

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS R. PUZAK; ALLEN M. HARSTEIN;
MARK CHARNEY; DANIEL A. PRENER; PETER H. ODEN

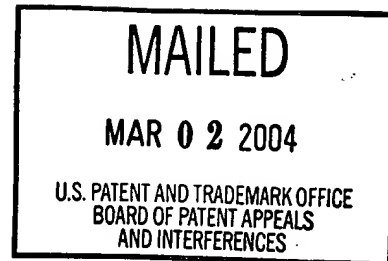
Application No. 09/458,883

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On May 30, 2003, appellants filed an Amendment in response to the Final Rejection mailed on December 17, 2002 (Paper No. 6). On June 16, 2003, the Examiner issued an Advisory Action (Paper No. 7) that directed entry of the May 30, 2003 Amendment after the filing of a Notice of Appeal.

A review of the file reveals that the Amendment filed May 30, 2003, has not been physically entered.



Application No. 09/458,883

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) entry of the Amendment dated May 30, 2003, and
- 2) for such further action as appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
Program and Resource Administrator
(703)308-9797

DMS/dpv
RA04-0276

Application No. 09/458,883

Jay P. Sbrollini
IBM Corporation
Intellectual Property Law Department
PO Box 218
Yorktown, NY 10598